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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,096	12/23/2005	Caroline Kouts		2145

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EXAMINER

O HERN, BRENT T

ART UNIT	PAPER NUMBER
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1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/531,096

Applicant(s)

KOUTS, CAROLINE

Examiner

Brent T. O'Hern

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Claims 13-21 are pending.

WITHDRAWN REJECTIONS

2. The 35 U.S.C. 112, second paragraph rejections of claims 15-16 of record in the Office Action mailed 17 April 2006, page 2, paragraph 1 have been withdrawn due to Applicant's amendments in the Paper filed 15 October 2006.
3. The 35 U.S.C. 102(b) rejections of claims 13-17 and 19-21 as being anticipated by Lewis (US 5,481,767) of record in the Office Action mailed 17 April 2006, page 2, paragraph 2 have been withdrawn due to Applicant's amendments in the Paper filed 15 October 2006.
4. The 35 U.S.C. 103(a) rejections of claim 18 as being unpatentable over Lewis (US 5,481,767) in view of Rocha (US 5,275,463) of record in the Office Action mailed 17 April 2006, page 4, paragraph 3 have been withdrawn due to Applicant's amendments in the Paper filed 15 October 2006.

NEW OBJECTIONS

Claim Objections

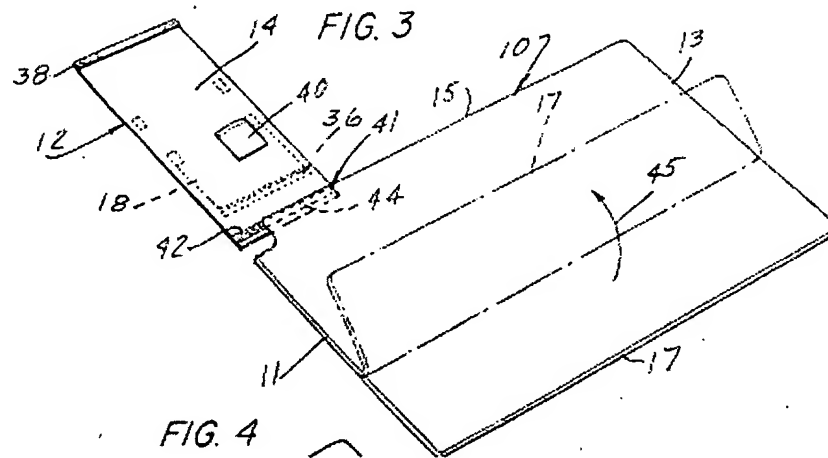
5. Claims 20 and 21 are objected to because of the following informalities: The **status identifiers** for claims 20 and 21 state "**new**", however, these claims were "previously presented". Appropriate correction is required.

NEW REJECTIONS

Claim Rejections - 35 USC § 102

6. Claims 13-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (US 5,481,767).

Regarding claim 13, Lewis ('767) teaches a mat capable of being in both an open orientation and a closed orientation (*FIG-3, #10 open orientation and FIG-1, #10 closed orientation*), comprising



a surface having a removable fabric mat (*FIG-3, #10*);

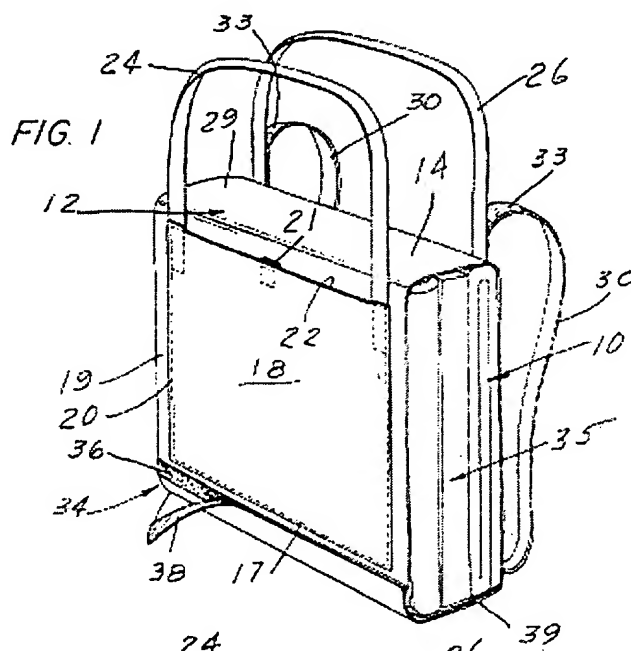
a substantially elongate portion (*FIG-3, #14*) engagable with the removable fabric mat on the surface (*FIG-3, wherein #14 and #10 are attached by hook and loop fasteners #42 and #44*);

side storage portions having pockets for storing items, the side storage portions, in the open orientation, extend laterally from, and at least partially along, each length of the substantially elongate portion on opposing sides thereof, so that the mat has a substantially cruciform shape (*See FIG-3, pockets #18 and #40 and col. 3, ll. 39-42,*

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plurality of pockets which form a substantially cruciform shape when extended outward.),

the mat being foldable and able to be fastened, via fastening means, in the closed orientation into a portable bag (col. 2, l. 60, "folded", FIG-1 hook and loop fasteners #36 and #38 and FIG-2 portable bag); and a means for carrying the mat (FIG-1, straps #24 and #26).

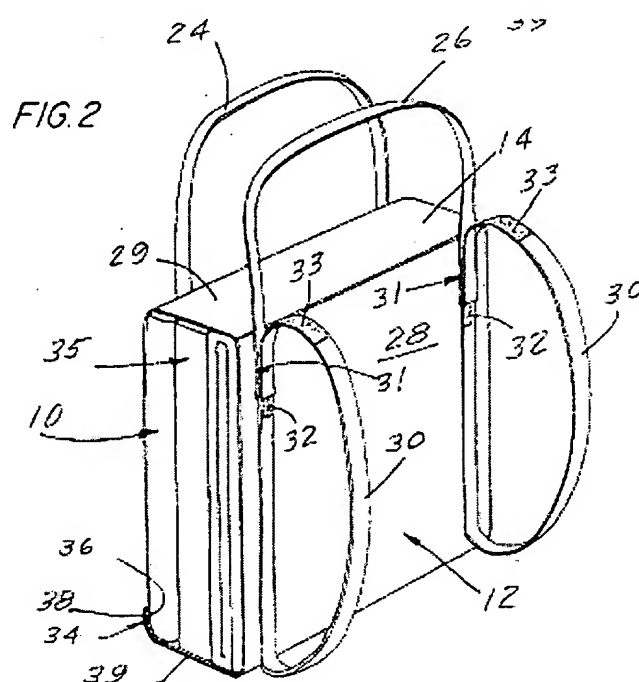


The phrase **"with the items stored in the side storage portions being accessible by opening a top portion of said portable bag"** in claim 13, lines 10-12 is not given any patentable weight since the applicant is introducing **use** limitations into the product claims (see MPEP 2173 (q)).

Regarding claim 14, Lewis ('767) teaches a mat wherein the means for carrying the mat is a handle attached to an additional surface of the mat (FIG-1, #24 and #26).

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Regarding claim 15, Lewis ('767) teaches a mat wherein the substantially elongate portion (*FIG-3, #14*) has a first end that is foldable and engagable with the fastening means on the side storage portions with the first end of the substantially elongate portion forming a front face of a bag (*FIG-2 wherein #14 is foldable and wrappable around #10 and fastened by hook and loop fasteners, #36 and #38*).



The phrase “so that in this partially closed orientation, access is available to the items stored in said side storage portions” in claim 15, lines 5-6 is not given any patentable weight since the applicant is introducing **use** limitations into the product claims (see *MPEP 2173 (q)*).

Regarding claim 16, Lewis ('767) teaches a mat wherein the substantially elongate portion has a second end that opposes the first end, the second end being foldable over the front face and capable of being fastened thereto (*FIG-2 wherein #14 is wrapped around #10 and fastened by hook and loop fasteners, #36 and #38*).

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Regarding claim 17, Lewis ('767) teaches a mat comprising a cover for closing the portable bag (*FIG-1, covering #12*).

Regarding claim 19, Lewis ('767) teaches a mat wherein the means for carrying the mat is a handle attached to an upper surface of the portable bag in the closed orientation of the mat (*FIG-1, handles #24 and #26*).

Regarding claim 20, Lewis ('767) teaches a mat wherein the means for carrying the mat include back straps for carrying the mat in the closed orientation (*FIG-2, #30*).

Regarding claim 21, Lewis ('767) teaches a mat further comprising storage pockets on a front face of the portable bag in the closed orientation (*FIG-1, open end #22 of pocket #18*).

Claim Rejections - 35 USC § 103

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US 5,481,767) in view of Rocha (US 5,275,463).

Lewis ('767) teaches the mat discussed above, however, fails to teach wherein the fastening means are snap locks.

However, Rocha ('463) teaches wherein the fastening means are snaps, hook and loops or other functionally equivalent fastening means (*col. 4, l. 3, col. 3, ll. 49-53 and FIG-6, #45 and #48*) for the purpose of providing an easily adjustable fastening means (*col. 3, ll. 52-54*)).

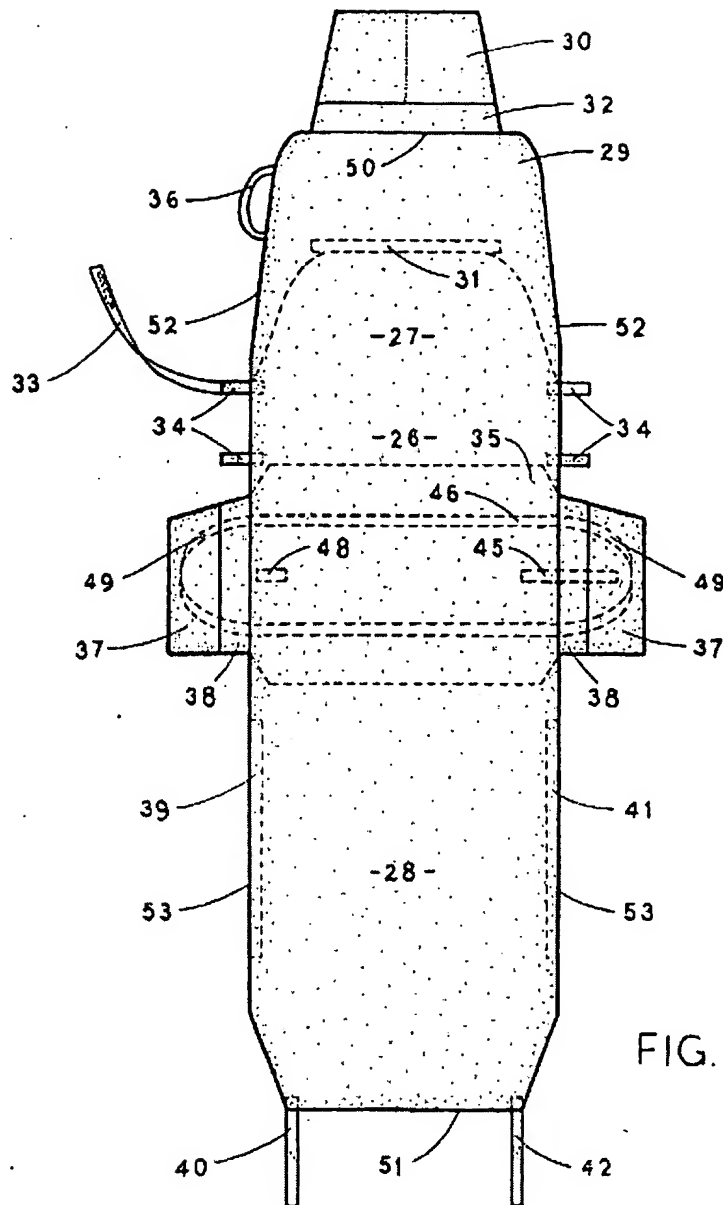


FIG. 6

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to modify Lewis's ('767) hook and loop fasteners with functionally equivalent snaps as taught by Rocha ('463) in order to provide a mat as described above since Lewis ('767) and Rocha ('463) are both directed towards rolled mats.

ANSWERS TO APPLICANT'S ARGUMENTS

8. In response to Applicant's argument (*p. 7, paras. 2-3 of Applicant's Paper filed 15 October 2006*) that Lewis ('767) would not appear to disclose or form a side storage portion accessible by opening a top portion of the storage bag, it is noted that as discussed above, that Lewis ('767) teaches side storage portions having pockets for storing items (*See FIG-3, pockets #18 and #40 and col. 3, ll. 39-42, plurality of pockets which form a substantially cruciform shape when extended outward.*).

Furthermore, the phrase "**accessible by opening a top portion of the portable bag**" is not given any patentable weight since the applicant is introducing **use** limitations into the product claims (*see MPEP 2173 (q)*).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

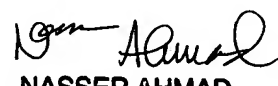
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brent T O'Hern
Examiner
Art Unit 1772
January 2, 2007


NASSER AHMAD
PRIMARY EXAMINER
1/11/07